



Attorney Docket No. 048501/273281

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### COMPOSITIONS AND METHODS FOR THE TREATMENT OF DISEASE,

the specification of which

☐ is attached hereto

OR

☒ was filed on 1/12/2004 as United States Application Application Number 10/755,545.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed.

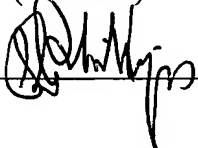
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
PCT/AU02/00945	PCT	07/12/2002	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PR6381	Australia	07/13/2001	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number:

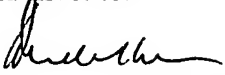
**Customer Number 00826**

Direct telephone calls to: Kelly J. Williamson  
Registration No. 47,179  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

Full name of (first/sole) inventor: David Phillips  
Inventor's  
Signature:  Date: 25-05-04  
Residence: Victoria Australia  
Citizenship: Australian  
Mailing Address: Monash Institute of Reproduction and Development  
27-31 Wright Street  
Clayton, Victoria 3168  
Australia

Full name of second inventor: David de Kretser

Inventor's

Signature:  Date: 25-5-04

Residence: Victoria, Australia

Citizenship: Australian

Mailing Address: Monash Medical Centre  
246 Clayton Road  
Clayton, Victoria 3168  
Australia

Full name of third inventor: William Sievert

Inventor's

Signature: William Sievert Date: 26/5/04

Residence: Victoria Australia

Citizenship: Australian

Mailing Address: Monash Medical Centre  
246 Clayton Road  
Clayton, Victoria 3168  
Australia

Full name of fourth inventor: Shane Patella

Inventor's

Signature: Shane Patella Date: 25/5/04


Residence: Victoria Australia

Citizenship: Australian

Mailing Address: Monash University  
Wellington Road  
Clayton, Victoria 3800  
Australia

Full name of fifth inventor: Joseph Smolich -

Inventor's

Signature: 

Date:

25/05/04.

Residence:

Victoria Australia

Citizenship:

Australian

Mailing Address:

Monash University

Wellington Road

Clayton, Victoria 3800

Australia

Full name of sixth inventor: David McGaw

Inventor's

Signature:  Date: 31/5/04

Residence: Victoria Australia

Citizenship: Australian

Mailing Address: Monash University  
Wellington Road  
Clayton, Victoria 3800  
Australia

Full name of seventh inventor: Paul Fennessy

Inventor's

Signature:

*Paul Fennessy*

Date:

*26/5/04*

Residence:

Victoria Australia

Citizenship:

Australian

Mailing Address:

Monash University  
Wellington Road  
Clayton, Victoria 3800  
Australia

RTA01/2154338v1





<b>POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	<b>Application Number</b>	10/755545
	<b>Filing Date</b>	12 January, 2004
	<b>First Named Inventor</b>	David PHILIPS
	<b>Title</b>	Composition and Method for the Treatment of Disease
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	

I hereby appoint

Alston &amp; Bird LLP

☐ Practitioners associated with Customer Number

00826

OR

☐ Practitioner(s) named below:

Name	Registration Number

As my/our attorney(s) or agents(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number

OR

☐ Firm or  
Individual Name

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).**SIGNATURE of Applicant or Assignee of Record**

Monash University

<b>Name &amp; Title</b>	PROFESSOR EDWINA CORNISH, DEPUTY VICE-CHANCELLOR (RESEARCH)		
<b>Signature</b>			
<b>Date</b> Date Month Year	1/6/04	<b>Telephone</b>	(03) 9905 9301

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below \*.

☒ \* Total of 2 forms are submitted.

S&amp;F Ref:535460US



Attorney Docket No.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: (2) Monash University  
Application No./Patent No.: 10/755545 Filed/Issue Date: 12 January, 2004  
Entitled: Composition and Method for the Treatment of Disease  
(2) Monash University a body corporate established under the Monash University Act 1958 (VIC)  
(Name of Assignee) (Type of Assignee, eg., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or  
2. ☒ an assignee of less than the entire right, title, and interest.  
The extent (by, percentage) of its ownership interest is 50 %

in the patent application/patent identified above by virtue of either:

- A. ☒ an assignment from Inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the Inventor(s), of the patent application/patent identified above, to the current assignee  
As shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (ie., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, If the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Monash University

DATE:

18<sup>th</sup> June 2004  
Day Month Year

(03) 9905 9301  
Telephone

PROFESSOR EDWINA CORNISH  
Typed or printed name

Edwina Cornish  
Signature

DEPUTY VICE-CHANCELLOR (RESEARCH)  
Title

S&amp;F REF: 535460US



<b>POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	<b>Application Number</b>	10/755545
	<b>Filing Date</b>	12 January 2004
	<b>First Named Inventor</b>	David Philips
	<b>Title</b>	Composition and Method for the Treatment of Disease
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	

I hereby appoint

Alston &amp; Bird LLP

☐ Practitioners associated with Customer Number

00826

OR

☐ Practitioner(s) named below:

Name	Registration Number

As my/our attorney(s) or agents(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number

OR

☐ Firm or  
Individual Name

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

BIOA Pty Limited

<b>Name &amp; Title</b>	MICHAEL ELAN, Director		
<b>Signature</b>			
<b>Date</b> Date Month Year	3 June 2004	<b>Telephone</b>	+61 (0)2 9980 7133

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below \*.

☐ \* Total of 2 forms are submitted.

S&amp;F Ref:



Attorney Docket No.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: (1) BIOA Pty Limited

Application No./Patent No.: 10/755545 Filed/Issue Date: 12 January, 2004

Entitled: Composition and Method for the Treatment of Disease

BIOA Pty Limited, an Australian company, ACN 003 804 984

(Name of Assignee) (Type of Assignee, eg., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or  
2. ☒ an assignee of less than the entire right, title, and interest.  
The extent (by, percentage) of its ownership interest is 50 %

in the patent application/patent identified above by virtue of either:

- A. ☒ an assignment from Inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the Inventor(s), of the patent application/patent identified above, to the current assignee  
As shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (ie., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, If the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

BIOA Pty Limited

DATE: 3 6 2004  
Day Month Year

+61 (0)2 9980 7133  
Telephone

MICHAEL EGAN  
Typed or printed name

Signature

Title

COPY

# ASSIGNMENT RECORDATION FORM COVER SHEET *Patents Only*

To the Director of the Patent and Trademark Office:  
Please record the attached original documents or copy thereof.

Attorney Dkt. No.: 048501/273281

1. Name of conveying party(ies):

David Phillips  
David de Kretser  
William Sievert  
Shane Patella  
Joseph Smolich  
David McGaw  
Paul Fennessy



2. Name and address of receiving party(ies):

BIOA Pty. Ltd.  
Unit B3, 2-4 Central Avenue  
Thornleigh, New South Wales 2120  
AUSTRALIA

Monash University  
Wellington Road  
Clayton, Victoria 3800  
AUSTRALIA

Additional name(s) of conveying party(ies) attached? Yes ☐ No ☒

3. Nature of conveyance:

- ☒ Assignment  
☐ Merger  
☐ Security Agreement  
☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: Phillips, de Kretser, Patella, Smolich:  
5/25/04; Sievert, Fennessy: 5/26/04; McGaw: 5/31/04

Additional name(s) & address(es) attached? Yes ☐ No ☒

4. Application No. 10/755,545

Patent No.

If this document is being filed together with a new application, the execution date of the application is:

Additional numbers attached? Yes ☐ No ☒

5. Name and address of party to whom correspondence concerning document should be mailed:

**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41) \$40.00

- ☒ Enclosed  
☐ Authorized to be charged to deposit account

8. Deposit account number: 16-0605

DO NOT USE THIS SPACE

9. Statement and signature: *To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Name of Person Signing: Kelly J. Williamson

Reg. No. 47,179

6/2/04

Date

Total number of pages including cover sheet, attachments, and document: 3

**ASSIGNMENT OF PATENT RIGHTS FOR THE UNITED STATES**

**COPY**

FOR VALUE RECEIVED, WE David PHILLIPS an Australian citizen of

17 CALEMBEENA AVENUE, HUGHESDALE 3166

David de KRETZER an Australian citizen of

1 Leura Street, Surrey Hills 3127

William SIEVERT an Australian citizen of

5 MALING RD, CANTERBURY VIC 3126

10/602 WAVERLEY RD EAST MALVERN 3145

Shane PATELLA an Australian citizen of

Joseph SMOLICH an Australian citizen of

25 WATERDALE RD, IVANHOE 3079

David McGAW an Australian citizen of

39 AUBURN RD HANTHORN VIC 3122

Paul FENNESSY an Australian citizen of

30 CHURCH RD, CARLUM, 3197

hereby sell, assign, transfer and convey unto (1) BIOA Pty Ltd, an Australian company, ACN 003 804 984 and (2) Monash University, a body corporate established under the Monash University Act 1958 (VIC)

having a place of business at (1) Unit B3, 2-4 Central Avenue, Thornleigh, New South Wales 2120, Australia and (2) Wellington Road, Clayton, Victoria 3800, Australia respectively

their successors, assigns and legal representatives (hereinafter called the "Assignee"), the entire right, title and interest, for the United States, in and to certain inventions relating to

**Composition and Method for the Treatment of Disease**

and described in an application for Letters Patent of the United States filed by us on 12 January, 2004

and which has been accorded Application No. 10/755545

and in and to said application, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted, thereon, and all reissues and extensions thereof; and we hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue all Letters Patent upon said inventions to the Assignee or to such nominees as it may designate.

AND we authorize and empower the said Assignee or nominees to invoke and claim for any application for patent or other form of protection for said inventions, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from us.

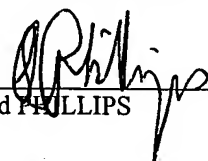
AND we hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in the United States for any purpose and more particularly in proof of the right of said Assignee or nominees to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property as amended, or by any convention which may henceforth be substituted for it.

AND we hereby covenant that we have the full right to convey the entire right, title and interest herein assigned and that we have not executed and will not execute any agreement in conflict herewith.

AND we hereby covenant and agree that we will communicate to said Assignee or nominees all facts known to us pertaining to said inventions, and testify in all legal proceedings, sign all lawful papers, execute all divisional,

continuing and reissue applications, make all rightful oaths and declarations and in general perform all lawful acts necessary or proper to aid said Assignee or nominees in obtaining, maintaining and enforcing all lawful patent protection for said inventions in the United States.

COPY

By:   
David PHILLIPS

Date: 25 MAY 2004  
Day Month Year

By:   
David de KRETSER


Date: 25 MAY 2004  
Day Month Year

By:   
William SIEVERT

Date: 26 May 2004  
Day Month Year

By:   
Shane PATELLA

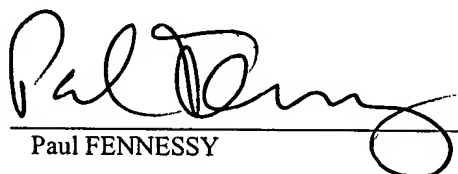
Date: 25 MAY 2004  
Day Month Year

By:   
Joseph SMOLICH

Date: 25<sup>th</sup> MAY 2004  
Day Month Year

By:   
David McGAW

Date: 31 MAY 2004  
Day Month Year

By:   
Paul FENNESSY

Date: 26<sup>th</sup> MAY 2004  
Day Month Year